

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**May 7, 2013 - 9:00 A.M.**

**PRESENT:** COMMISSIONER DOUG WITNEY, CHAIR  
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR  
COMMISSIONER LARRY A. ELLERTSON

**ALSO PRESENT:**

E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Scott C. Hogensen, Chief Deputy Clerk/Auditor  
Joshua K. Ivie, Supervising Deputy Clerk  
Julie Rollins, Utah County Purchasing Agent  
Rebecca Martell, Children's Justice Center  
Bryce Armstrong, Community Development  
Peggy Kelsey, Community Development  
Brandon Larsen, Community Development  
Gordon Bruin, Drug & Alcohol Prevention & Treatment  
Ralph Clegg, Utah County Health Department

Neil Peterson, Information Systems Director  
Lana Jensen, Utah County Personnel Director  
Jane Ivie, Personnel Office  
Richard Nielson, Utah County Public Works Director  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Scott Carter, Utah County Sheriff's Office  
Darin Durfey, Utah County Sheriff's Office  
Dalene Higgins, Utah County Sheriff's Office  
Matt Higley, Utah County Sheriff's Office  
Cary McConnell, Utah County Treasurer's Office  
Julie Thomas, Orem Resident  
C. Stephens, -No further information given-  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:04 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Scott Carter, Utah County Sheriff's Office

**PLEDGE OF ALLEGIANCE:** Darin Durfey, Utah County Sheriff's Office

**CONSENT AGENDA**

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE NATIONAL CHILDREN'S ALLIANCE GRANT APPLICATION FOR THE UTAH COUNTY CHILDREN'S JUSTICE CENTER**
2. **DECLARE A CANON IRC6800 COPY MACHINE AS SURPLUS AND ALLOW THE DISPOSITION THEREOF AS JUNK**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE PORTER ROCKWELL DISTRICT OF THE BOY SCOUTS OF AMERICA TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR THE DISTRICT'S ANNUAL CUB SCOUT DAY CAMPS TO BE HELD DURING THE SUMMER OF 2013**

Commissioner Witney requested that Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

4. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60289, DATED MAY 2, 2013**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 7, 2013

Page 2

5. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20279, DATED MAY 1, 2013
6. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE
7. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE
8. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 07:005:0002 AS ENTRY NO. 42451:2012 FOR DELINQUENT PROPERTY TAXES [AGREEMENT NO. 2012-340(A)]
9. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 13:075:0009 AS ENTRY NO. 42731:2012 FOR DELINQUENT PROPERTY TAXES [AGREEMENT NO. 2012-357(A)]
10. APPROVE RELEASE OF LIEN RECORDED AGAINST PARCEL SERIAL NO. 13:075:0015 AS ENTRY NO. 42729:2012 FOR DELINQUENT PROPERTY TAXES [AGREEMENT NO. 2012-358(A)]
11. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-8
12. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY SHERIFF'S OFFICE
13. APPROVE THE MINUTES OF THE APRIL 30, 2013 COMMISSION MEETING
14. RATIFICATION OF PAYROLL

Period 9	15 Checks: \$6,663.15	1,127 Total Deposits: \$1,416,616.58	Total: \$1,423,279.73
		Federal Payroll Taxes	Total: \$ 201,461.65
15. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 445	April 29, 2013	Direct Deposit:16818-16825	Total: \$ 708,487.97
Register No. 446	April 29, 2013	Check Nos. 179723-179753	Total: \$ 44,657.33
Register No. 447	April 30, 2013	Purchasing Cards 310-310	Total: \$ 238.32
Register No. 448	April 30, 2013	Check Nos. 179754-179767	Total: \$ 34,989.39
Register No. 449	April 30, 2013	Check Nos. 179768-179776	Total: \$ 10,996.00
Register No. 450	May 1, 2013	Purchasing Cards 311-317	Total: \$ 2,355.87
Register No. 451	May 1, 2013	Check Nos. 179777-179798	Total: \$ 24,006.11
Register No. 452	May 2, 2013	Direct Deposit:16826-16837	Total: \$ 2,466.36
Register No. 453	May 2, 2013	Check Nos. 179799-179824	Total: \$ 15,582.07
Register No. 454	May 2, 2013	Check Nos. 179825-179831	Total: \$ 15,295.00
Register No. 455	May 2, 2013	Check Nos. 179832-179888	Total: \$ 2,724.00
Register No. 456	May 2, 2013	Check Nos. 179889-179899	Total: \$ 3,373.89
Register No. 457	May 2, 2013	Check Nos. 179900-179908	Total: \$ 73,682.68
Register No. 458	May 2, 2013	Direct Deposit:16838-16848	Total: \$ 712,758.56
Register No. 459	May 3, 2013	Check Nos. 179909-179945	Total: \$ 186,080.32
Register No. 460	May 3, 2013	Direct Deposit:16849-16851	Total: \$ 473.80
Register No. 461	May 3, 2013	Check Nos. 179946-179947	Total: \$ 549.86
			<u>Total: \$1,838,717.53</u>

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 7, 2013

Page 3

Consent Agenda Item Nos. 1, 2, and 4 through 15 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

3. **AUTHORIZE A CHANGE TO THE ENVIRONMENTAL HEALTH STAFFING PLAN OF DELETING A HALF-TIME CAREER SERVICE ENVIRONMENTAL HEALTH SCIENTIST I POSITION AND ADDING A HALF-TIME CAREER SERVICE ENVIRONMENTAL HEALTH SCIENTIST II POSITION (CHANGE POSITION 3610-5-1-.50 TO 3010-5-1-.50 IN STAFFING PLAN NUMBER 230-43110)**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR AN MX-M363 COPIER, SERIAL NO. 15011226, LOCATED IN THE RECORDER'S OFFICE**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT BETWEEN UTAH COUNTY AND THE ALPINE SCHOOL DISTRICT SPECIAL EDUCATION PROGRAM TO PROVIDE PUBLIC HEALTH NURSES IN THE PUBLIC SCHOOLS**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT BETWEEN UTAH COUNTY AND THE ALPINE SCHOOL DISTRICT TO PROVIDE PUBLIC HEALTH NURSES IN THE PUBLIC SCHOOLS**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ADDENDUM TO AGREEMENT NO. 2012-439 WITH BRUCE BERGLUND TO EXTEND THE LEASE FOR THE PROMISE OF WOMEN AND CHILDREN FACILITY IN OREM BY ONE YEAR**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MASTER SERVICE AGREEMENT (MSA), THE FIRST AMENDMENT TO THE MSA, AND THE SALES ORDER WITH COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC FOR INTERNET SERVICE**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH JACQUES AND ASSOCIATES FOR SPONSORSHIP OF THE MURDOCK CANAL TRAIL GRAND OPENING**

The commissioners noted that the funds would be made available for this agreement through a budget transfer.

12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH PROVO RIVER WATER USERS ASSOCIATION FOR SPONSORSHIP OF THE CANAL ENCLOSURE CELEBRATION**

The commissioners noted that the funds would be made available for this agreement through a budget transfer.

13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT BETWEEN UTAH COUNTY AND SHARPE PHOTOGRAPHY, INC.**

The commissioners noted that the funds would be made available for this agreement through a budget transfer.

## ACTIONS TAKEN

Consent Agenda Item Nos. 1, 14, and 15 were ratified; No. 2 was declared as surplus; No. 3 was tabled for further discussion; Nos. 4, 5, 6, 8, 9, 19, 11, and 13 were approved and authorized; No. 7 was abated; and No. 12 was adopted. Regular Agenda Item No. 3 was authorized; and Nos. 5, 6, 7, 8, 9, 11, 12, and 13 were approved and authorized.

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - May 7, 2013

Page 4

**AGREEMENT NOS.:** 2013-322, 2013-323, 2013-324, 2013-325, 2013-326, 2013-327, 2013-328, 2013-329, 2013-330, 2013-331, 2013-332, 2013-333, 2013-334, 2013-335, 2013-336, 2013-337, 2013-338, 2013-339, 2013-340, 2013-341, and 2013-342

**RESOLUTION NO.:** 2013-53

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN WRITTEN PERMISSION FOR THE PORTER ROCKWELL DISTRICT OF THE BOY SCOUTS OF AMERICA TO USE BB GUNS AND ARCHERY EQUIPMENT AT WILLOW PARK FOR THE DISTRICT'S ANNUAL CUB SCOUT DAY CAMPS TO BE HELD DURING THE SUMMER OF 2013**

Utah County Public Works Director Richard Nielson summarized the request from the Boy Scouts of America to use BB guns and archery equipment during day camps this Summer. Commissioner Anderson expressed concerns of public safety, and Mr. Nielson noted that similar permission has been granted in years past with no negative results. Utah County Sheriff James O. Tracy added that instructors for this camp level must be certified, and Utah County Clerk/Auditor Bryan E. Thompson clarified the ages of the cub scouts.

**Commissioner Ellertson made the motion to approve and authorize written permission for the Porter Rockwell District of the Boy Scouts of America to use equipment at Willow Park as defined in Consent Agenda Item No. 3. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2013-343

**REGULAR AGENDA**

**1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR MAY 2013**

Joshua K. Ivie of the Utah County Clerk/Auditor's Office was recognized as the Utah County Employee of the Month for May 2013.

**2. APPROVE PERSONNEL ACTIONS ORIGINATING MAY 2, 2013**

Utah County Clerk/Auditor Bryan E. Thompson mentioned that fifty-eight percent of the monies within the 1200 account had already been spent in the first nine pay periods of the year, and questioned whether there are sufficient funds to cover payments for an individual with the remaining budget. Commissioner Ellertson asked Mr. Thompson to coordinate efforts with Utah County Attorney Timothy Taylor to find a solution.

**Commissioner Ellertson made the motion to approve the Personnel actions originating May 2, 2013 as described in Regular Agenda Item No. 2. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

APPROVED

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - May 7, 2013  
Page 5

**4. APPROVE AND ADOPT A RESOLUTION TRANSFERRING FUNDS BETWEEN DEPARTMENTS OF UTAH COUNTY**

Utah County Clerk/Auditor Bryan E. Thompson explained the allocation of restricted funds.

**Commissioner Anderson made the motion to approve and adopt the resolution transferring funds between departments of Utah County as detailed in Regular Agenda Item No. 4. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

RESOLUTION NO. 2013-54

**10. APPROVE OR DENY A REQUEST FROM ABILITY FIRST FOR A WAIVER OF EVENT PERMIT FEE IN THE AMOUNT OF \$300.00 FOR USE OF PORTIONS OF THE LOWER PROVO RIVER PARKWAY AND NORTH BOAT HARBOR DRIVE FOR THE "RUN, WALK & ROLL" TO BE HELD SEPTEMBER 21, 2013**

**Commissioner Ellertson made the motion to waive the \$300 event permit fee for use of a portion of portions of the Lower Provo River Parkway and North Boat Harbor Drive for the Ability First "Run, Walk & Roll" to be held on September 21, 2013 as discussed in Regular Agenda Item No. 10, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2013-344

Commissioner Anderson commented on the increase of outdoor activities during the warmer seasons, jokingly noting the strong resolve of the Board in conducting monthly trail hikes throughout the county all year long.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

STRICKEN

**15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

STRICKEN

**18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - May 7, 2013  
Page 6

Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 14, 15 and 18 to set dates, times and locations for closed meetings to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss pending or reasonably imminent litigation; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

The commissioners moved forward with the remaining agenda items as numbered at this point.

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 9:27 A.M. to go into closed meetings. The public meeting reconvened at 9:46 A.M.

**Commissioner Ellertson made the motion to adjourn the May 7, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 9:46 A.M. The minutes of the May 7, 2013 Commission Meeting were approved as transcribed on May 14, 2013.

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DOUG WITNEY, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

